

**KENTUCKY PERSONNEL BOARD
MINUTES OF MAY 10, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Member Yvette Gentry, substituting for Chair Michael Eaves, on May 10, 2024, at approximately 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky.

Board Personnel Present:

Yvette Gentry, Member
Morgan Ward, Member
Larry Gillis, Member
Rick Reeves, Member

Gordon A. Rowe, Jr., Executive Director and Secretary
Gwen McDonald, Administrative Section Supervisor

Board Personnel Absent: Michael Eaves, Chair
Mitchel Denham, Member

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD APRIL 12, 2024.**

The minutes of the last Board meeting were circulated among the members during the Board meeting. Ms. Gentry asked for any other additions or corrections. Mr. Gillis moved to approve the minutes. Mr. Reeves seconded, and the motion carried 4-0. The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR AND SECRETARY'S REPORT**

The Hon. Gordon A. Rowe, Jr. began his remarks by welcoming everyone to the Board meeting. He stated that his remarks would be brief. He thanked the Board for the opportunity to serve as the Board's Executive Director and Secretary.

Since the April Board meeting, the Board staff are in a transition period. Our former Executive Director, Mark Sipek, worked very diligently through the end of April to help smooth the transition process with knowledge transfer, process documentation, and though direct observation. Mr. Rowe appreciated his time during that process. He was glad to have had those few weeks of working together and thanked the Board for making it possible. As a result of working together, the Board's docket has been reduced significantly and there were many cases

prepared for the Board's final consideration and decision. Board staff continues to work on processes to reduce our backlog.

Since Mr. Sipek's departure, we have continued to work through our cases and begun to address processes to make our organization more efficient. Mr. Rowe stated he believed the future looks bright for the Personnel Board and our internal organization here.

Mr. Rowe reported that, at the June meeting, he would present a comprehensive report to the Board that would show the progress we have made over the past few months, and the concrete steps we will be taking to improve our organization further.

4. REPORT OF THE PERSONNEL CABINET

The Hon. Rosemary Holbrook, General Counsel and Executive Director of the Office of Personnel Cabinet's Legal Services, presented for the Cabinet. Michele Barnes, Director of the Office of Human Resource Management for the Cabinet for Health and Family Services, also presented.

The Hon. Rosemary Holbrook announced the General Assembly had state employees a three percent (3%) pay increase for Fiscal Year 2025 and another three percent (3%) pay increase for Fiscal Year 2026. The pay increase will begin July 1, 2024, and will be reflected in the pay received on July 30, 2024, due to the one pay period delay for processing state employees pay.

The week of May 2 through 8, 2024, was proclaimed Public Service Recognition Week. State agencies were encouraged to come up with a variety of ways to recognize their employees for their service to the Commonwealth.

Two (2) additional LivingWell Health Fairs will be held, one in June and one in July. They have a lot of great things planned to bring awareness to health issues: Blood pressure checks, body mass indexing, glucose testing and diabetes screening, colon cancer awareness, nutritional health, mental health, financial wellness and offer some information on the LivingWell program. Executive Branch employees will be allowed one (1) hour to attend with previous supervisor approval.

The Governor's Leadership, Equality, Accessibility, and Diversity (LEAD) Conference has been scheduled for September 18 and 19, 2024. Experts will discuss diversity, inclusion, and leadership. More information will be released in upcoming meetings.

Ms. Holbrook provided a brief explanation of the Personnel Cabinet's Office of Legal Services sign-off on settlement agreements prior to them being submitted to the Personnel

Board. The Cabinet's Office of Legal Services reviews the agreements to see if they have the ability to process the action.

Lastly, Ms. Barnes discussed the Cabinet for Health and Family Services' Petitioned Position request for an Executive Director in the Department for Medicaid Services. Ms. Barnes answered questions from the Board.

- A. Petitioned Position – Cabinet for Health and Family Services, Department for Medicaid Services
--Executive Advisor

Mr. Gillis moved to approve the Petitioned Position for the Cabinet for Health and Family Services as stated above. Mr. Reeves seconded, and the motion carried 4-0.

5. Motion to be Reviewed by Board

- A. **Knipper, Stephen v. Governor's Office (2019-037)**
(Hearing Officer's Request)

Mr. Ward, having considered the record, including the Final Order Rejecting the Hearing Officer's Finding of Fact, Conclusions of Law and Recommended Order, and moved to deny the Appellant's motion. Mr. Reeves seconded, and the motion carried 3-0, with Mr. Gillis abstaining from discussions and deliberations in this matter.

6. ORAL ARGUMENTS

- A. **Ryan, Adel v. Cabinet for Health and Family Services (2018-254)**
(Appellant's Request)

Present for oral arguments were the Hon. Stuart Cobb, counsel for the Appellant, and the Hon. Lucas Roberts, counsel for the Appellee. After presenting oral arguments, the parties answered questions from the Board.

7. CLOSED SESSION/RETURN TO OPEN SESSION

Mr. Gillis moved that the Board go into Executive Session for the purposes of discussions and deliberations regarding individual adjudications. Mr. Reeves seconded. Ms. Gentry stated that a motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form

a quorum. [Pursuant to KRS 61.810(1)(j), the Kentucky Open Meetings Act, the Board retired into closed Executive Session and the attendees were required to leave the video conference, pursuant to KRS 61.826. Specific justification under the Kentucky Open Meetings Act for this action were as follows, because there were deliberations regarding individual adjudications as listed on the Board's Agenda for the May 10, 2024 meeting.](10:28 a.m.)

Mr. Ward moved to return to open session. The motion was seconded, and the motion carried 4-0. (11:12 a.m.)

8. **CASES TO BE DECIDED**

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments, where applicable.

- A. **Bivins, Tracy (2022-085), Sarah Moreno (2022-086), Floetta Brown (2022-087), Margaret Ketterer (2022-094), and Thomas Bartley (2022-152) v. Cabinet for Health and Family Services and Personnel Cabinet (5 appeals)**

Mr. Reeves, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeals. Mr. Ward seconded, and the motion carried 3-0, with Mr. Gillis abstaining.

- B. **Caudill, Billy (2022-010), Robert Caudill (2022-011), Jones Hiatt (2022-012), and Michael Nunley (2022-013) v. Public Protection Cabinet (4 appeals)**

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellants' Exceptions, Appellants' Request for Oral Arguments, and Appellee's Response to Exceptions, moved to deny the request for oral arguments and moved to accept the recommended order dismissing the appeals. Ms. Gentry seconded, and the motion carried 4-0.

- C. **Frasure, Jeremy v. Transportation Cabinet (2023-158)**

Ms. Gentry, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Gillis seconded, and the motion carried 4-0.

- D. **Jenkins, Rachel v. Education and Labor Cabinet (2022-139)**

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Reeves seconded, and the motion carried 4-0.

E. Jett, Jason v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-131)

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Reeves seconded, and the motion carried 4-0.

**F. Parmley, Amanda v. Transportation Cabinet (2017-234)
Deferred to May Board**

Mr. Ward, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions to Findings of Fact, Conclusions of Law, and Recommended Order Issued February 29, 2024, Appellee's Response to Appellant's Exceptions to Findings of Fact, Conclusions of Law and Recommended Order, and Appellant's Corrected Exceptions to Findings of Fact, Conclusions of Law and Recommended Order Issued February 29, 2024, moved to accept the Final Order as Altered, as attached to the minutes, sustaining the appeal to the extent therein. Ms. Gentry seconded, and the motion carried 3-0, with Mr. Gillis abstaining.

**G. Rayan, Adel v. Cabinet for Health and Family Services (2018-254)
Deferred to May Board**

Mr. Ward, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions and Request for Oral Argument, Memorandum in Support of Appellant's Exceptions, Appellee's Exceptions to March 6, 2024 Recommended Order, Appellant's Response to Appellee's Exceptions, Appellee's Response to Appellant's Exceptions, and oral arguments, moved to accept the recommended order sustaining the appeal to the extent therein. Ms. Gentry seconded, and the motion carried 3-0, with Mr. Gillis abstaining.

H. Risinger, Pamela v. Justice and Public Safety Cabinet, Department of Corrections (2023-074)

Ms. Gentry, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Gillis seconded, and the motion carried 4-0.

I. **Sinha, Swarnlata v. Justice and Public Safety Cabinet, Department of Corrections (2023-082)**

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Reeves seconded, and the motion carried 4-0.

J. **Trusty, James v. Transportation Cabinet (2022-130)**

Mr. Reeves, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Mr. Gillis seconded, and the motion carried 4-0.

9. **WITHDRAWAL**

Ms. Gentry moved to accept the following withdrawal and to dismiss the appeal. Mr. Gillis seconded, and the motion carried 4-0.

A. **Slone, David v. Transportation Cabinet and Timothy Lovern (2023-157)**

10. **SETTLEMENTS**

Ms. Gentry moved to issue settlement orders and to sustain the appeals to the extent set forth in the settlements as submitted by the parties. Mr. Ward seconded, and the motion carried 3-0 on each appeal, with Mr. Gillis recusing from Item A and abstaining on Item B.

A. **LaShelle, Blake v. Cabinet for Health and Family Services (2022-043)**

B. **Wallace, Joseph v. Justice and Public Safety Cabinet, Department of Criminal Justice Training (2022-054, 2022-099, 2023-106)(3 appeals)(Mediation)**

11. **OTHER**

A. **Case Load Reduction**

1. **Backlog, status of appeals, plan of action**

Mr. Rowe stated (in his Executive Director and Secretary's Report above) that he would be reporting further on this matter during the June Board meeting.

B. Hearing Officers

1. Status of RFPs

Mr. Rowe stated that the request for proposal (RFP) was still being worked on for contract hearing officers for Fiscal Year 2025.

C. Next Board Meeting: **June 14, 2024**

There being no further business, Mr. Gillis moved to adjourn the meeting. Ms. Gentry stated the motion passed by acclamation. (11:21 p.m.)

At the conclusion of the meeting, Ms. Gentry noted there were some virtual attendees who were not admitted when the Board resumed open session. She apologized on behalf of the Board for the technical error. She announced the attendees should contact Ms. McDonald following the meeting with any questions they might have.

Yvette Gentry, Member



Larry Gillis, Member

Morgan Ward, Member



Rick Reeves, Member

B. Hearing Officers

1. Status of RFPs


Mr. Rowe stated that the request for proposal (RFP) was still being worked on for contract hearing officers for Fiscal Year 2025.

C. Next Board Meeting: **June 14, 2024**

There being no further business, Mr. Gillis moved to adjourn the meeting. Ms. Gentry stated the motion passed by acclamation. (11:21 p.m.)

At the conclusion of the meeting, Ms. Gentry noted there were some virtual attendees who were not admitted when the Board resumed open session. She apologized on behalf of the Board for the technical error. She announced the attendees should contact Ms. McDonald following the meeting with any questions they might have.

Yvette Gentry, Member



Morgan Ward, Member

Larry Gillis, Member

Rick Reeves, Member